

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

HUGH L. RILEY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 07-4102-CV-C-NKL
)	
LARRY CRAWFORD, Director, et al.,)	
)	
Defendants.)	

ORDER

On October 23, 2007, United States Magistrate Judge William A. Knox recommended dismissing the claims of plaintiffs Tony Harris, Antonio Howard, Bruce Cummings, Larry Jackson, Don Stathem, Richard Smalley, Hugh Riley and Lawrence Schuster for failure to comply with court orders. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed; however, plaintiff Schuster has now complied with the court order to pay his initial filing fee.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted, in part.

Judge Knox further ordered plaintiff David Skaggs to show cause why his claims should not be dismissed, pursuant to Fed. R. Civ. P. 41(b), for failure to comply with court orders. Plaintiff has failed to respond to that order and his claims will be dismissed.

Finally, Mario Fue was ordered to make his initial payment toward the filing fee, but has failed to do so. Accordingly, plaintiff Fue's claims will be dismissed.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of October 23, 2007, is adopted, in part. [24] It is further

ORDERED that the claims of plaintiffs Mario Fue, David Skaggs, Tony Harris, Antonio Howard, Bruce Cummings, Larry Jackson, Don Stathem, Richard Smalley and Hugh Riley are dismissed for failure to comply with court orders, pursuant to the provisions of Fed. R. Civ. P. 41(b).

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: January 11, 2008
Jefferson City, Missouri